



STATE OF CONNECTICUT – COUNTY OF TOLLAND
INCORPORATED 1786

TOWN OF ELLINGTON

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Ted Graziani
Chairman

Tom Palshaw
Vice Chairman

Bill Correia
Keith Durao
Jim Prichard
John Ridzon
Heather Stavens

Charter Revision Commission

REGULAR MEETING MINUTES

April 18, 2018

MEMBERS PRESENT: Bill Correia, Ted Graziani, Tom Palshaw, Jim Prichard, John Ridzon and Heather Stavens

MEMBERS ABSENT: Keith Durao

OTHERS PRESENT: Mary Blanchette, Hall Memorial Library Board of Trustees; Cheryl Chamberlin; Gary Feldman, Chief, and other members of the Ellington Volunteer Fire Department; Chuck Pippin, Chief, and other members of the Crystal Lake Fire Department; Peter Hany, Chief, Ellington Volunteer Ambulance Corps; Peg Busse, Board of Finance

I. CALL TO ORDER:

Chairman Graziani called to order the Charter Revision Commission (CRC) Regular Meeting at 7:50 p.m. in the Town Hall Meeting Hall, 55 Main Street, Ellington, CT.

II. CITIZENS' FORUM [Non-agenda items]:

Mary Blanchette stated that the Hall Memorial Library Board of Trustees strongly objects to the proposal to assign exclusive control of building maintenance and repair of the Hall Memorial Library to the Department of Public Works. She noted that the Hall Memorial Library Board of Trustees will submit an official letter stating their position on this issue.

III. APPROVAL OF MINUTES:

A. March 21, 2018 Regular Meeting Minutes

MOVED (PALSHAW), SECONDED (STAVENS) AND PASSED UNANIMOUSLY TO APPROVE THE CHARTER REVISION COMMISSION REGULAR MEETING MINUTES OF MARCH 21, 2018.

IV. UNFINISHED BUSINESS:

A. Discussion regarding proposed changes to:

1. Section 205 – Vacancies on Elected Boards

Mr. Graziani referenced a memo from the Town Attorney dated March 25, 2018 suggesting the following wording to revise Section 205 of the Charter:

SECTION 205. VACANCIES--ELECTIVE OFFICES

- (a) Unless otherwise provided by law, any vacancy, in any elective town office, including the Board of Education, but excluding the First Selectman, shall be filled within ~~forty-five (45)~~ thirty (30) days of such vacancy by appointment of the Board of Selectmen, to serve for the unexpired portion of the term of the elective office so filled, until the first Monday of December following the next regular election, except that appointments to the Board of Education shall serve until the next regular election, as defined in Section 9-1 of the General Statutes, as amended. [AMENDED 11/5/02]
- (b) If a vacancy shall occur in the office of First Selectman, the duly elected Deputy First Selectman shall serve as acting First Selectman, receiving appropriate compensation. The Board of Selectmen will call for a special election to be held within sixty (60) days of this vacancy. Should said vacancy occur less than one hundred and sixty-one (161) days before the end of the term, the Deputy First Selectman shall complete the term, and no special election will be held. The ensuing vacancy on the Board of Selectmen shall be filled pursuant to subsection (a) of this section.
- (c) Any such vacancy, except for the First Selectman, shall be filled by the appointment of a member of the same political party as the person vacating the office in the event said person was affiliated with or endorsed by a political party, or by the appointment of an unaffiliated member if the office is vacated by an unaffiliated member. (Section 9-167a [Section g] of General Statutes, as amended.)
- (d) ~~Except as otherwise provided in this Charter, if there shall be a regular election as defined in Section 9-1 of the General Statutes, as amended, before the expiration of the term of any office in which a vacancy occurs, such office shall be filled by appointment until said election as provided herein and subsequently by the election of a person to fill that office for the remaining portion of the term with such person to take office on the first Monday in December following the election, except that election of a person to the Board of Education who shall begin the day of election.~~ [AMENDED 11/6/07]

The members were in agreement with the suggested language and will include it in the Draft Report.

2. Section 923 – Director of Fire & Emergency Medical Services

Mr. Graziani stated that discussions at the Special Meeting just scratched the surface regarding implementing a Director of Fire & Emergency Medical Services. He would like to hear from other towns. Mr. Palshaw stated that as the Town grows, it may go toward a paid administrator position. The CRC will need to have comprehensive answers to questions from the public regarding why the Town should implement the change and how to make the change. In addition, they must be sure all options have been considered.

MOVED (PALSHAW), SECONDED (RIDZON) AND PASSED UNANIMOUSLY TO TABLE DISCUSSION REGARDING CHANGES TO SECTION 923 – DIRECTOR OF FIRE & EMERGENCY MEDICAL SERVICES TO A FUTURE MEETING.

3. Section 1011 – Purchasing/Competitive Bidding

Mr. Palshaw stated that the Board of Selectmen sent the Ordinance Concerning Competitive Bidding to the Ordinance Committee for review and he recommended that the CRC hold off acting on this item until the Board of Selectmen make a finding.

4. Section 605 – Power to Overrule Town Meeting Action

The CRC agreed that the current percentage (15% of the majority of those voting in favor of the action) needed to overrule a Town Meeting action is high. Mr. Palshaw stated that options were presented at the February meeting which included [1] a 5% majority percentage required to petition with a simple majority to overrule; [2] a 2% majority percentage required to petition with a simple majority to overrule; however, at least 5% of the voters shall have voted on the matter; or [3] a 5% majority percentage required to petition with a simple majority; however, at least 10% of the voters shall have voted on the matter. Options 2 and 3 were samples from the CCM Charter Revision Information Kit.

All agreed that the threshold should be substantial to challenge as it has the potential to polarize the Town if it is too easy to overturn a Town Meeting action. It should not be the will of the people vs. special interest groups.

Mr. Palshaw suggest keeping the 15% with a simple majority vote to overturn. Mr. Graziani stated that the CRC needs to justify and substantiate the threshold selected.

Discussion on this item was tabled to the next meeting.

V. NEW BUSINESS:

A. Consider Other Changes to the Town Charter

The CRC reviewed a proposal from First Selectman Lori Spielman to allocate the responsibilities for library operations and administration to the Hall Memorial Library Board of Trustees and the responsibilities for the building maintenance to the Department of Public Works (attached). This change would amend Section 910 – Department of Public Works and add a new section for the Hall Memorial Library Board of Trustees.

Mr. Palshaw noted that the current language under Section 910 already states that the Director of Public Works cares for and maintains all Town buildings other than those under the jurisdiction of the Board of Education. He questioned why language needed to be added specifically for the Library.

MOVED (PALSHAW), SECONDED (GRAZIANI) AND PASSED UNANIMOUSLY TO ACCEPT FOR DISCUSSION THE RECOMMENDATION REGARDING THE OPERATION AND MAINTENANCE OF THE HALL MEMORIAL LIBRARY AND TO TABLE THE ISSUE PENDING INPUT FROM THE DEPARTMENT OF PUBLIC WORKS AND THE BOARD OF TRUSTEES OF THE HALL MEMORIAL LIBRARY.

Mr. Palshaw stated that the CRC must consider including an implementation statement regarding the effective date for changes to Section 302 re: changing the terms of office for the First Selectman and Board of Selectmen from two (2) years to four (4) years; and to provide language to stagger the terms of the Board of Selectmen. This item will be discussed at the next meeting.

VI. ADJOURNMENT:

MOVED (PALSHAW), SECONDED (CORREIA) AND PASSED UNANIMOUSLY TO ADJOURN THE REGULAR MEETING OF THE CHARTER REVISION COMMISSION AT 8:38 P.M.

Respectfully submitted,

A handwritten signature in blue ink that reads "Marie Sauve". The signature is written in a cursive, flowing style.

Marie Sauve
Recording Secretary

SECTION 910. DEPARTMENT OF PUBLIC WORKS [new language in bold type]

The Board of Selectmen shall appoint a Director of Public Works, who shall possess such qualifications as are required for said office, and who shall serve for an indefinite term. It shall be the duty of the Department of Public Works to maintain, repair, clean and remove snow from all public streets and ways; maintain and operate storm sewers and other drains; care for and maintain all town buildings other than those under the jurisdiction of the Board of Education; **perform regular and as-needed maintenance and repairs on Hall Memorial Library and the library facilities and grounds;** coordinate the Recycling Program; prepare or supervise the preparation of plans and specifications for the construction or reconstruction of streets, sidewalks, curbs, gutters, storm sewers, drains, public buildings and other structures and construct or supervise the construction of the same, provided that nothing herein shall preclude the employment of engineers and architects on any such project, or the appointment of citizen advisory committees on the construction of school or other public building. Further duties of the Public Works Department shall be to care for parks, grassed areas in streets and public grounds; the Public Works Department shall maintain all athletic fields and public beaches including those under the jurisdiction of the Board of Education and the Parks and Recreation Commission; to plant and care for trees within the street line; to enforce the provisions of the building code, zoning ordinances and ordinances imposing on owners of property obligations to construct and maintain sidewalks, curbs, gutters, storm sewers and drains; and perform such other duties as may be prescribed by the Board of Selectmen by ordinance. Said Department of Public Works may contract with the town Water Pollution Control Authority for the maintenance of the facilities and grounds which come under the jurisdiction of the Water Pollution Control Authority. The Director of Public Works shall appoint a Tree Warden. The Director of Public Works shall serve as an exofficio member of the Permanent Building Committee. He may organize the Public Works Department in such a manner as he shall deem most economical and efficient and may make and enforce such reasonable rules and regulations not inconsistent with the regulations of the General Statutes or the provision of this charter, as may be necessary to exercise the powers and duties imposed on him by virtue of this provision of the charter. He may delegate such powers to subordinate employees and shall have the authority to appoint and to remove, subject to the approval of the Board of Selectmen and such rules and regulations concerning town employees as may be adopted by the Board of Selectmen, all deputies, assistants or employees in this department.

LIBRARY BOARD OF TRUSTEES [new chapter to be added to Charter]

The Library Board of Trustees, elected as provided in Chapter III of this Charter, shall be responsible for the administration and use of Hall Memorial Library. The Board shall adopt rules and regulations governing such administration and use, provided the use of such library shall be free to all residents of the town under such regulations as the Board shall prescribe, and further provided the Board may exclude from the use of such library any person who willfully violates

such regulations, and still further the Board may extend privileges to use the library to persons residing in this state outside the town upon such terms and conditions as it may prescribe. The Board shall make and adopt policies concerning Internet usage and content accessible to library patrons on computers and other electronic devices provided by the library. The Board shall have exclusive control of the expenditure of moneys allocated to the library through municipal budgetary appropriations. The selection and acquisition of library materials, as well as the development of library programs and the composition of literary and non-literary collections, is within the exclusive control of the Board. The Board may appoint a Library Director, as well as any necessary assistants, and fix their compensation. Any person or entity desiring to make a gift for the benefit of the library may vest title to such donation in the Board, which shall be held and controlled according to the gift's terms, and the Board shall be special trustee of the gift.

Notwithstanding any provision herein to the contrary, the Department of Public Works shall have exclusive control of the care, maintenance and repair of the library building and physical facilities and the library grounds.